

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

PATRICK JAMES HOWARD	§	
VS.	§	CIVIL ACTION NO. 1:15-CV-365
CHRISTOPHER CARTER, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Patrick James Howard, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Christopher Carter, Felisha Davis, Mary Gilder, Pinkee Patel, and an unidentified defendant.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends granting defendants' motion to dismiss.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit. Plaintiff has not demonstrated that he is in imminent danger of seriously bodily harm. Therefore, the defendants' motion to dismiss should be granted, and the order granting plaintiff leave to proceed *in forma pauperis* should be vacated.

**ORDER**

Accordingly, plaintiff's objections (document no. 36) are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge (document no. 34) is **ADOPTED**. Defendants' motion to dismiss (document no. 27) is **GRANTED**. The order granting plaintiff leave to proceed *in forma pauperis* (document no. 12) is **VACATED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **28** day of **September, 2016**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge